

Thomas Jefferson to Thomas Pinckney, September 7, 1793, with Copy, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

TO THE U. S. MINISTER TO GREAT BRITAIN J. MSS. (THOMAS PINCKNEY)

Philadelphia, Sept. 7, 1793.

Sir, —We have received, through a channel which cannot be considered as authentic, the copy of a paper styled “Additional instructions to the commanders of his Majesty's ships of war and privateers,” &c. dated at St. James's, June 8, 1793. If this paper be authentic, I have little doubt but that you have taken measures to forward it to me. But as your communications of it may miscarry, and time, in the meanwhile, be lost, it has been thought better that it should be supposed authentic; that, on that supposition, I should notice to you its very exceptionable nature, and the necessity of obtaining explanations on the subject from the British Government; desiring, at the same time, that you will consider this letter as provisionally written only, and as if never written, in the event that the paper, which is the occasion of it, be not genuine.

The first article of it permits all vessels, laden wholly or in part with corn, flour or meal, bound to any port in France, to be stopped, and sent into any British port, to be purchased by that Government, or to be released only on the condition of security given by the master, that he will proceed to dispose of his cargo in the ports of some country *in amity with his Majesty*.

This article is so manifestly contrary to the law of nations, that nothing more would seem necessary, than to observe that it is so. Reason and usage have established, that when

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two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations; to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual; to go and come freely, without injury or molestation; and, in short,

that the war among others shall be, for them, as if it did not exist. One restriction on those mutual rights has been submitted to by nations at peace; that is to say, that of not furnishing to either party implements merely of war, for the annoyance of the other, or anything whatever to a place blockaded by its enemy. What these implements of war are, has been so often agreed, and is so well understood, as to leave little question about them at this day. There does not exist, perhaps, a nation in our common hemisphere which has not made a particular enumeration of them, in some or all of their treaties, under the name of contraband. It suffices for the present occasion to say, that corn, flour, and meal, are not of the class of contraband, and consequently remain articles of free commerce. A culture, which, like that of the soil, gives employment to such a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think proper to go to war.

The state of war, then, existing between Great Britain and France, furnishes no legitimate right either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and consequently the assumption of it will be as lawful hereafter as now, in peace as in war. No ground acknowledged by the common reason of mankind, authorizes this act now, and unacknowledged ground may be taken at any time and all times. We see, then, a practice begun, to which no time, no circumstances, prescribe any limits, and which strikes at the root of our agriculture, that branch of industry which gives food, clothing, and comfort, to the great mass of the inhabitants of these States. If any nation whatever has a right to shut up, to our produce, all the ports of the earth, except her own, and those of her friends, she may shut up these also, and so

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confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree at the mere will or interest

of another, to have its peaceable industry suspended, and its citizens reduced to idleness and want. The loss of our produce, destined for foreign markets, or that loss which would result from an arbitrary restraint of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, we and our friends will buy your produce. We have a right to answer, that it suits us better to sell to their enemies as well as their friends. Our ships do not go to France to return empty; they go to exchange the surplus of our produce, which we can spare, for surpluses of other kinds, which they can spare, and we want; which they can furnish on better terms, and more to our mind, than Great Britain or her friends. We have a right to judge for ourselves what market best suits us, and they have none to forbid to us the enjoyment of the necessities and comforts which we may obtain from any other independent country.

This act, too, tends directly to draw us from that state of peace, in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it, would be a partiality which might lead to war with France, and, between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged, by this unauthorized act of Great Britain into a war with which we meddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it. In the case where we found ourselves obliged, by treaty,

to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her supplies of provisions, we should, in like manner, be bound to

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withhold them from her enemies also, and thus shut to ourselves all the ports of Europe, where corn is in demand, or make ourselves parties in the war. This is a dilemma, which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss, nor of making us the instrument of it.

The President, therefore, desires that you will immediately enter into explanations on this subject with the British Government. Lay before them, in friendly and temperate terms, all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full indemnification to any citizens of these States, who may have suffered by it in the mean time. Accompany your representations with every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectation of justice on their part on a strict observance of it on ours.

It is with concern, however, I am obliged to observe, that so marked has been the inattention of the British court to every application which has been made to them on any subject, by this Government, (not a single answer, I believe, having ever been given to one of them, except in the act of exchanging a minister) that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer; perhaps this is their intention. Still, however, desirous of furnishing no color of offence, we do not wish you to name to them any terms for giving an answer. Urge one as much as

you can without commitment, and on the first day of December be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress.

The second article of the same instruction allows the armed vessels of Great Britain to seize, for condemnation, all vessels on their first attempt to enter a blockaded port, except those of Denmark and Sweden, which are to be prevented only, but not seized on their

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first attempt. Of the nations inhabiting the shores of the Atlantic ocean, and practising its navigation, Denmark, Sweden, and the United States, alone are neutral. To declare, then, all *neutral* vessels (for as to the vessels of the *belligerent* Powers, no order was necessary) to be legal prize, which shall attempt to enter a blockaded port, except those of *Denmark* and *Sweden*, is exactly to declare that the *vessels of the United States* shall be lawful prize, and those of Denmark and Sweden shall not. It is of little consequence that the article has avoided naming the United States, since it has a description applicable to them, and to them alone, while it exempts the others from its operation, by name. You will be pleased to ask an explanation of this distinction, and you will be able to say in discussing its justice, that in every circumstance we treat Great Britain on the footing of the most favored nation, where our treaties do not preclude us, and that even these are just as favorable to her as hers are to us. Possible she may be bound by treaty to admit this exception in favor of Denmark and Sweden, but she cannot be bound by treaty to withhold it from us; and if it be withheld merely because not established with us by treaty, what might not we, on the same ground, have withheld from Great Britain, during the short course of the present war, as well as the peace which has preceded it.

Whether these explanations with the British Government

shall be verbal or in writing, is left to yourself. Verbal communications are very insecure, for it is only necessary to deny them or to change their terms, in order to do away their effect at any time; those in writing have many and obvious advantages, and ought to be preferred, unless there be obstacles of which we are unapprised.